

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
January 27, 2009

Present: Mayor Roy G. Hale, Councilman James Goldsmith, Councilman Scot D. Lucas, Councilwoman Paretta D. Mudd; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk

Town Staff: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the Council of the Town of La Plata was held at 7:55 PM, Tuesday, December 16, 2008, in the La Plata Town Hall.

Present: Mayor Hale, Councilmen Goldsmith, Lucas and Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk; Robert W. Oliphant, Treasurer; Robert F. Stahl, Jr., Director of Operations

On a motion made by Councilman Goldsmith, seconded by Councilman Lucas, and by unanimous consent of the members present, the session was closed. The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(3) – Consider the acquisition of real property for a public purpose and matters directly related thereto. The purpose of the meeting was to discuss acquisition of property for parkland. Action taken: The Town Council directed the Town Manager on a course of action to take and a maximum amount to offer for the property. The meeting adjourned at 8:28 PM.

Minutes:

Mayor Hale called the meeting to order at 7:00 PM, and then led the Pledge of Allegiance.

Approval of December minutes

Councilman Goldsmith moved to approve the minutes of the December 9 special meeting, December 9 work session, December 9 closed session, and December 16 regular meeting. Councilman Lucas seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Hale acknowledged receipt of the Treasurer's Reports dated November 30, 2008 and December 31, 2008.

Petitions, Communications, Appearances and Public Forum

Presentation of Certificates of Appreciation to Christmas Decorations Contest winners [Mayor Hale announced that this item will be on the February 24 meeting agenda.]

La Plata Police Department monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of December, 2008. Chief Gittings also reported that (1) the police officer hiring process is continuing; and (2) when Taser training is completed, all officers will be issued Tasers. In response to a question from Councilman Goldsmith, Chief Gittings advised that the issue of what percentage of the number of calls for service in the Town responded to by the La Plata Police Department has been resolved. Chief Gittings noted that the calls for service included such statistics as Equipment Repair Orders walk-ins at the Charles County Sheriff's Office, calls in schools (which are excluded in the Memorandum of Understanding between the two departments) and a number of other calls for service that should not have been included in the statistics. When these types of calls for service were removed, it showed a higher percentage of calls for service being responded to by the La Plata Police Department.

Public Forum (No speakers)

Legislation

Ordinance 08-11 New Irrigation System Installation (For Consideration of Adoption) – For the purpose of adopting regulations pertaining to installation and operation of new irrigation systems; prohibiting the use of potable water for such systems; requiring permits and inspections for such installations; specifying a fee for such permits; defining certain terms; providing for the enforcement of these regulations and penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mr. Mears provided a brief description of the background of the ordinance and an explanation of the amendments requested by Town Staff and the Green Building Committee: remove provisions restricting potable water use; modify the definition of Irrigation System; require backflow preventer, moisture sensor, rain control sensor, automatic control system, and placement of the water tap after the water meter; require inspection of the completed and programmed system; verify the system is programmed to water between the hours of 6:00 p.m. and 10:00 a.m.; and two "housekeeping" items to update the year of the adoption date and name of the current Mayor. Mr. Mears acknowledged the presence in the audience of Rose Haft and Mike Pellegrino, two members of the Green Building Committee.

Councilman Lucas moved to adopt Amendments No. 1 through No. 4 to Ordinance 08-11. Councilwoman Mudd seconded the motion and it passed by unanimous vote. Amendments No. 1 through No. 4 to Ordinance 08-11 are as follows:

Amendment No. 1

►On page 1, line 5, immediately following "systems;" strike "prohibiting the use of potable water for such systems;" to read as follows:

FOR the purpose of adopting regulations pertaining to installation and operation of new irrigation systems; ~~prohibiting the use of potable water for such systems;~~ requiring permits and inspections for such installations; specifying a fee for such permits; defining certain terms;

providing for the enforcement of these regulations and penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

- ▶ and on page 2, line 45, immediately following “including that” strike “no”
- ▶ on line 45, immediately after “shall be”, insert “permitted, inspected and”
- ▶ on line 45, immediately before “water” strike “allowed to use potable”
- ▶ on line 45, immediately after “water” insert “efficient in design and use”, to read as follows:

WHEREAS, to further the Town’s water conservation efforts, the Council deems it necessary to establish regulations pertaining to the installation and operation of new irrigation systems, including that ~~no~~ new irrigation systems shall be permitted, inspected and ~~allowed to use potable~~ water efficient in design and use;

▶ On page 3, line 113, strike “A. IRRIGATION SYSTEM WATER SOURCE. AN IRRIGATION SYSTEM INSTALLED OR CONSTRUCTED IN THE TOWN MAY NOT USE POTABLE WATER FOR THE APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL.”, to read as follows, and reletter accordingly:

~~A. IRRIGATION SYSTEM WATER SOURCE. AN IRRIGATION SYSTEM INSTALLED OR CONSTRUCTED IN THE TOWN MAY NOT USE POTABLE WATER FOR THE APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL.~~

▶ On page 4, line 129, immediately following “PATTERNS)” strike “AND SOURCE OF NON-POTABLE WATER OF THE IRRIGATION SYSTEM”, to read as follows:

~~A. B.—~~PERMIT REQUIRED. AN OWNER OF PROPERTY MAY NOT INSTALL OR CONSTRUCT, OR ALLOW THE INSTALLATION OR CONSTRUCTION OF, AN IRRIGATION SYSTEM ON THE OWNER’S PROPERTY WITHOUT FIRST OBTAINING AN IRRIGATION SYSTEM PERMIT FROM THE TOWN. AN OWNER SHALL APPLY FOR AN IRRIGATION SYSTEM PERMIT ON SUCH FORM, AND SHALL PROVIDE SUCH SUPPORTING DOCUMENTATION, AS THE TOWN CHIEF EXECUTIVE OFFICER REASONABLY MAY PRESCRIBE. IN ADDITION TO OTHER SUPPORTING DOCUMENTATION, UNLESS WAIVED OR MODIFIED BY THE TOWN CHIEF EXECUTIVE OFFICER FOR GOOD CAUSE SHOWN AN APPLICATION SHALL BE ACCOMPANIED BY AN IRRIGATION PLAN, ACCEPTABLE TO THE TOWN CHIEF EXECUTIVE OFFICER, WHICH SHOWS THE BOUNDARIES OF THE OWNER’S PROPERTY AND THE LOCATION, DESIGN (INCLUDING WATER SPRAY PATTERNS) ~~AND SOURCE OF NON-POTABLE WATER OF THE IRRIGATION SYSTEM~~, AND DEMONSTRATES THAT THE IRRIGATION SYSTEM WILL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS CHAPTER. THE TOWN MAY NOT ISSUE AN IRRIGATION SYSTEM PERMIT WITHOUT:

- ▶ and on line 136, strike “(2) THE OWNER’S CERTIFICATION THAT THE IRRIGATION SYSTEM WILL NOT USE POTABLE WATER FOR THE APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL;”, to read as follows, and renumber accordingly:

~~(2) THE OWNER'S CERTIFICATION THAT THE IRRIGATION SYSTEM WILL NOT USE POTABLE WATER FOR THE APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL;~~

▶On page 5, line 180, strike "(1) THE IRRIGATION SYSTEM IS CONNECTED TO A POTABLE WATER SOURCE.", to read as follows, and renumber accordingly:

~~(1) THE IRRIGATION SYSTEM IS CONNECTED TO A POTABLE WATER SOURCE.~~

Amendment No. 2

▶On page 3, line 80, immediately following "the", strike "SCHEDULED", to read as follows:

IRRIGATION SYSTEM—A SYSTEM THAT PROVIDES FOR THE ~~SCHEDULED~~ APPLICATION OF WATER TO ANY OUTDOOR PLANTED MATERIAL BY MEANS OF A PERMANENT PIPING SYSTEM UNDER PRESSURE. "IRRIGATION SYSTEM" INCLUDES ANY NEW IRRIGATION SYSTEM AND ANY ADDITION TO AN EXISTING IRRIGATION SYSTEM.

Amendment No. 3

▶On line 141, immediately following "OFFICER" strike ";" and insert ", SHOWING THE LOCATION OF THE SYSTEM, THE BACKFLOW PREVENTER, THE MOISTURE SENSOR IN THE SPRAY ZONE, THE RAIN CONTROL SENSOR, IRRIGATION AUTOMATIC CONTROL SYSTEM, AND THE WATER TAP AFTER THE WATER METER", to read as follows:

~~(2) (3)~~ AN APPROVED IRRIGATION PLAN UNLESS THE REQUIREMENT FOR A PLAN HAS BEEN WAIVED BY THE TOWN CHIEF EXECUTIVE OFFICER; , SHOWING THE LOCATION OF THE SYSTEM, THE BACKFLOW PREVENTER, THE MOISTURE SENSOR IN THE SPRAY ZONE, THE RAIN CONTROL SENSOR, IRRIGATION AUTOMATIC CONTROL SYSTEM, AND THE WATER TAP AFTER THE WATER METER;

▶On page 5, immediately following line 188, add new items (3) and (4), to read as follows:

~~(3) THE IRRIGATION AUTOMATIC CONTROL SYSTEM IS NOT INSTALLED AND PROGRAMMED.~~

~~(4) THE IRRIGATION AUTOMATIC CONTROL SYSTEM IS NOT PROGRAMMED TO WATER ONLY BETWEEN THE HOURS OF 6:00 PM AND 10:00 AM.~~

Amendment No. 4

▶On page 7, line 266, strike "2008" and insert "2009", to read as follows:

ADOPTED this _____ day of _____, ~~2008~~ 2009.

▶ and in the signatures area, replace "Gene Ambrogio" with "Roy G. Hale"

Councilwoman Mudd moved to adopt Ordinance 08-11 as amended. Councilman Goldsmith seconded the motion and it passed by unanimous vote.

The Town Council thanked the members of the Green Building Committee for their work on this ordinance and their continuing contributions to the Town.

Ordinance 09-1 Town Personnel System (For Introduction) – For the purpose of repealing existing Town personnel ordinances and regulations and adopting a new personnel system and new personnel rules and regulations for the Town; providing for the application of this new personnel system and rules and regulations to current Town officials and employees; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Ordinance 09-1 and noted this ordinance is scheduled for adoption at the February 24 meeting.

Unfinished Business (None)

New Business

Presentation of results of Citizen Survey

The Town Council agreed to have Mr. Mears make this presentation at the February 24 meeting.

Commission Reports

Councilwoman Mudd reported on topics discussed at the Beautification Commission's January 26 meeting.

Councilman Lucas reported that the Design Review Board did not meet in January.

Councilman Goldsmith reported on topics discussed at the Planning Commission's January 6 meeting.

Mayor Hale reported on topics discussed at the La Plata Business Association's January meeting.

There being no further business, Councilwoman Mudd moved to adjourn at 7:22 PM. Councilman Lucas seconded the motion and it passed by unanimous vote.

Submitted by:

Judith T. Frazier
Town Clerk